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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	**Jean-Michel ROSSET et al.**	Examiner:	Rasha S. Al AUBAIDI
Serial No.:	**09/875,462**	Art Unit:	2642
Filed:	June 5, 2001	Our Ref:	B-4198 618840-8
For:	"A COMMUNICATION PLATFORM FOR PROVIDING COMPUTER TELEPHONY INTEGRATION SERVICES TO REMOTE SUBSCRIBERS, AND ASSOCIATED METHOD"	Date:	December 28, 2005
		Re:	***Appeal to the Board of Appeals***

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the Final rejection, dated July 13, 2005, for the above identified patent application. Please deduct the amount of $500.00 for the fee set forth in 37 C.F.R. 1.17(c) for submitting this Brief from deposit account no. 08-2025. Appellants submit that this Appeal Brief is being timely filed per the Notice of Panel Decision from Pre-Appeal Brief Review mailed on December 1, 2005, which sets an initial deadline for submitting the present Brief of January 1, 2006.

REAL PARTY IN INTEREST

The real party in interest to the present application is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard

Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to the present application.

STATUS OF CLAIMS

Claims 1 - 25 are the subject of this Appeal and are reproduced in the accompanying appendix.

STATUS OF AMENDMENTS

No Amendment After Final Rejection has been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention described and claimed in the present application relates generally to the integration of computers and telephony services, and provides an improved architecture and associated method for such integration (p. 1 ll. 6-9). The invention is mainly embodied by a communication platform that includes, among other resources, a hosted switch connected to a set of interconnected telephony networks through interconnection networks as known in the art (p. 6 ll. 17-31). The hosted switch is connected to subscribers' computer and telephone systems via virtual private networks (VPNs) established over the Internet and, importantly, does not have access to the local telephony loops of the subscribers. An important feature of the communication platform is that it uses intelligent agents (termed User Telephony Agents or UTAs) to provide network-based computer telephony integration services to the subscribers. As known, intelligent agents execute autonomously with an internal representation of their user needs, communicate with other agents or user, and monitor the state of their environment (p. 9 ll. 20-30). According to the present invention, each UTA is physically hosted by the hosted switch to handle calls on behalf of its respective subscriber, but is logically part of the subscriber's information systems that reside on the subscriber computer network (e.g. intranet). This later feature is achieved through a hosting service provider that resides in the hosted switch and that

provides a secure remote extension of the subscriber intranet via the respective VPN (p. 10 ll. 1-8).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether claims 1-6, 10, and 16-17 are patentable under 35 U.S.C. 102(b) over U.S. Patent No. 6,094,479 to Lindeberg et al. (hereinafter "Lindeberg").

Issue 2: Whether claims 7-9, 12-15, and 21-22 are patentable under 35 U.S.C. 103(a) over Lindeberg in view of U.S. Pat. No. 6,647,109 to Henderson (hereinafter "Henderson").

GROUPING OF CLAIMS

For each ground of rejection which Appellants contest herein and which applies to more than one claim, such additional claims, to the extent separately identified and argued below, do not stand or fall together.

ARGUMENT

Issue 1: Whether claims 1-6, 10, and 16-17 are patentable under 35 U.S.C. 102(b) over U.S. Patent No. 6,094,479 to Lindeberg et al. (hereinafter "Lindeberg").

In section 2 of the final Office Action of July 13, 2005, the Examiner rejects claims 1-6, 10, and 16-17 as being anticipated by U.S. Patent No. 6,094,479 to Lindeberg et al. In particular, the Examiner finds that, with regard to claim 1, Lindeberg discloses all of the claimed limitations. In their submission of January 10, 2005, Appellants discussed this reference in detail and explained to the Examiner why this is in fact not correct. In particular, Appellants noted that claim 1 recites, among others, a subscriber telephony component executed by processing means belonging to the communication platform and connectable to an external subscriber's

information system through a private data channel. The Examiner alleges that Lindeberg discloses a subscriber telephony component executed by processing means because the claimed processing means read on the call control functions (CCFs) within the service switching points (SSPs) 241 and 245 disclosed at col. 6, lines 45-60, which according to the Examiner "does the actual functionality of the switch." However, there is nothing in this passage that is related to a subscriber telephony component. It is true that the CCF is described by Lindeberg as "the core of the traditional telephony switch which performs the actual switching of the calls." However, the SSPs that incorporate these CCFs are part of the "intelligent network 200" and have nothing whatsoever to do with a subscriber telephony component. In fact, there is no disclosure whatsoever in Lindeberg related to a subscriber telephony component.

Appellants further noted that the Examiner appears to equate Applicants' claimed subscriber telephony component to the customer domain 250 of Lindeberg, as noted in the rejection of claim 2: "Lindeberg teaches subscriber telephony component (it may reads on customer domain 250 for example in Fig. 1) is comprised of an intelligent agent (reads on CF 253..." This interpretation is incorrect, and runs directly contrary to the Examiner's earlier assertion that the processing means of the subscriber telephony component are the CCFs which, as noted above, are in the intelligent network, not in the customer domain. Obviously, the alleged subscriber telephony component cannot be in the customer domain if it incorporates components that are clearly disclosed as being in the intelligent network.

In the final Action, the Examiner conveniently but still incorrectly adjusts his interpretation of Lindeberg and asserts that "[f]or the purpose of understanding the Lindeberg reference more clearly, the examiner changed the subscriber telephony components, which reads on customer domain 250 to customer domain 260 and/or 270 as shown in Fig. 1. Thus, SSPs 245 and 241, which contain CCFs 247 and 243 that perform the core functionality of the switch actually serve that customer domain 260 and 270." What any of this makes "understanding the Lindeberg reference more clearly" possible is completely beyond Appellants' comprehension, as even the most cursory glance at the referenced Fig. 1 immediately reveals that newly-invoked customer domains 260 and 270 are also, just like customer domain 250, not part of the intelligent

network. There is no difference between customer domain 250 and 260/270 with regards to their relevancy to the claimed invention. The Examiner's cryptic allegation that "SSPs 245 and 241 ... actually serve that customer domain 260 and 270" is (a) completely irrelevant and (b) once again, not supported by the actual disclosure of the reference. The Examiner keeps attempting to join disparate components of Linderberg in a totally different manner from what Lindeberg actually discloses in order to support the anticipation rejection, and interpreting each of these components in whichever manner is most convenient for each particular claim rejection. Appellants respectfully submit that the Examiner has once again failed to show where Lindeberg shows each and every claimed limitation in accordance with the Rules, and his purported Response to Arguments is in fact completely non-responsive and devoid of any substance. Appellants therefore respectfully request that the Examiner's rejection of claim 1 be overturned on Appeal.

Claims 4-5, 10-11, 16, 18-20 and 23-25 stand rejected "for the same reasons as discussed above with respect to claim 1." Claim 11 recites a subscriber telephony component having limitations corresponding to the subscriber telephony component recited in claim 1. Therefore, Appellants submit that claim 11 is in fact patentable over Lindeberg for the same reasons as those presented above with regards to claim 1. Claims 16 and 23-25 all recite an intelligent agent, and the Examiner has made no showing of Lindeberg disclosing an intelligent agent as recited in any of these claims. Appellants presume that the Examiner may be equating the claimed intelligent agent with the subscriber telephony component that the Examiner alleges to be disclosed in Lindeberg. However, as previously explained with regards to claim 1, Lindeberg does not in fact disclose such a subscriber telephony component. Appellants therefore respectfully submit that claims 16 and 23-25 are also patentable over Lindeberg.

Claims 2-6 and 10 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2-6 and 10 are also allowable.

Claims 18-20 depend from claim 16. In view of the above discussion, it is submitted that claim 16 is allowable, and for this reason claims 18-20 are also allowable.

Issue 2: Whether Claims 7-9, 12-15, and 21-22 are patentable under 35 U.S.C. 103(a) over Lindeberg in view of U.S. Pat. No. 6,647,109 to Henderson (hereinafter "Henderson").

In section 3 of the final Office Action of July 13, 2005, the Examiner rejects claims 7-9, 12-15, and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Lindeberg in view of U.S. Pat. No. 6,647,109 to Henderson. Claims 7-9, 12-15, and 21-22 depend variously from claim 1, 11, and 16. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1, 11 and 16, Appellants submit that claims 7-9, 12-15, and 21-22 are also allowable.

CONCLUSION

For the extensive reasons advanced above, Appellant respectfully contends that each claim is patentable. Therefore, reversal of all rejections and re-opening of the prosecution is respectfully solicited.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 28, 2005
(Date of Transmission)

Shannon Tinsley
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Attachments

Claims

1. (previously presented) A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a switch for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, a subscriber telephony component executed by processing means belonging to the communication platform and connectable to an external subscriber's information system through a private data channel, whereby said subscriber telephony component is operable to communicate with other components of said subscriber's information system so as to be logically part of said information system, each subscriber telephony component being capable of controlling calls handled by said switching unit in response to data communication through the private data channel.

2. (original) A communication platform according to claim 1, wherein each subscriber telephony component is comprised of an intelligent agent.

3. (original) A communication platform according to claim 1, wherein said private data channel is a virtual private network link (VPN) connected to a network of the subscriber's information system.

4. (previously presented) A communication platform according to claim 1, wherein said switch is capable of redirecting towards the telephone system of a given subscriber incoming calls intended for said subscriber through said communication trunk.

5. (previously presented) A communication platform according to claim 1, wherein said switch is capable of redirecting towards the computer system of a given subscriber incoming calls intended for said subscriber through said private data channel.

6. (original) A communication platform according to claim 1, further comprising:

call handling resources available to each of said subscriber telephony components,

storage for resource allocation data in association with each subscriber telephony component, and

control means for allocating call handling resources to a given subscriber telephony component when handling a telephone call on the basis of said resource allocation data.

7. (original) A communication platform according to claim 6, wherein said call handling resources comprise voice processing resources.

8. (original) A communication platform according to claim 7, wherein said voice processing resources are connected to said switching unit.

9. (previously presented)A communication platform according to claim 6, further comprising a billing system in communication with said control means for billing each subscriber according to call handling resource usage.

10. (original) A communication platform according to claim 1, comprising at least one hosted switch hardware platform comprising:

said processing means for executing at least one subscriber telephony component,

said hosted call switching unit, and

control means for controlling said switching unit according to instructions by said executed subscriber telephony components.

11. (original) A method for providing computer telephony integration to a subscriber, comprising the following steps:

providing a hardware communication platform, said communication platform comprising a hosted call switching unit in communication with an external telephone network or interconnected networks through a communications trunk, and call handling resources,

installing a subscriber telephony component for execution on said communication platform,

providing a permanent private secure data channel between said subscriber telephony component in said communication platform and an external information system of said subscriber,

for each incoming call intended for the subscriber, directing said call to said communication platform,

allocating call handling resources of said communication platform to said subscriber telephony component for handling said incoming call.

12. (original) A method according to claim 11, comprising, before the call handling

resources allocation step, a step of checking from resource allocation data stored by the communication platform whether there are sufficient call handling resources available for the current incoming call.

13. (original) A method according to claim 12, comprising periodically computing a bill to the subscriber according to call handling resource usage by the associated subscriber telephone component.

14. (original) A method according to claim 11, further comprising, in association with said installation step, the additional step of allocating to the subscriber telephone component security data for secure communications with said subscriber information system.

15. (original) A method according to claim 11, further comprising, in association with said installation step, the additional step of allocating to the subscriber telephone component security data for secure communications between said component and the rest of said communication platform.

16. (previously presented) A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a switch for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, an intelligent agent executed by processing means belonging to the communication platform and connectable to an external subscriber's information system through a private data channel, whereby said intelligent agent can communicate with

other components of said subscriber's information system so as to be logically part of said information system, each intelligent agent being capable of controlling calls handled by said switching unit in response to data communication through the private data channel.

17. (original) A communication platform according to claim 16 wherein said private data channel is a virtual private network link (VPN) connected to a network of the subscriber's information system.

18. (original) A communication platform according to claim 16, wherein said switching unit is capable of redirecting towards the telephone system of a given subscriber incoming calls intended for said subscriber through said communication trunk.

19. (original) A communication platform according to claim 16, wherein said switching unit is capable of redirecting towards the computer system of a given subscriber incoming calls intended for said subscriber through said private secure data channel.

20. (original) A communication platform according to claim 16, further comprising:

call handling resources available to each of said intelligent agents,

storage for resource allocation data in association with each intelligent agent, and

control means for allocating call handling resources to a given intelligent agent when handling a telephone call on the basis of said resource allocation data.

21. (original) A communication platform according to claim 20, wherein said call

handling resources comprise voice processing resources.

22. (original) A communication platform according to clam 20, further comprising a billing system in communication with said control means for billing each subscriber according to call handling resource usage.

23. (original) A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a call switching unit for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, an intelligent agent executed by processing means belonging to the communication platform and connectable to an external subscriber's information system through a virtual private network link (VPN), whereby said intelligent agent can communicate with other components of said subscriber's information system so as to be logically part of said information system, each intelligent agent being capable of controlling calls handled by said switching unit in response to data communication through the Virtual Private Network link.

24. (original) A communication platform for providing computer/telephony integration services to remote subscribers, comprising:

a call switching unit for communicating with an external telephone network or interconnected networks through a communications trunk;

for each of one or more subscribers, an intelligent agent executed by processing means belonging to the communication platform and connectable to an external subscriber's information

system through a virtual private network link (VPN), whereby said intelligent agent can communicate with other components of said subscriber's information system so as to be logically part of said information system, each intelligent agent being capable of controlling calls handled by said switching unit in response to data communication through the Virtual Private Network link;

call handling resources available to each of said intelligent agents;

storage for resource allocation data in association with each intelligent agent, and control means for allocating call handling resources to a given intelligent agent when handling a telephone call on the basis of said resource allocation data; and

a billing system in communication with said control means for billing each subscriber according to call handling resource usage.

25. (previously presented) A communication platform for providing computer/telephony integration services to remote subscribers, characterized in that it comprises:

a hosted switch in communication with an external telephone network or interconnected networks through a communications trunk;

for each subscriber, a subscriber telephony component executed by processing means belonging to the communication platform and connected to an external subscriber's information system through a private data channel, whereby said subscriber telephony component can communicate in a private manner with other information system components of said subscriber so as to be logically part of said information system, each subscriber component being capable of controlling said switching unit according to subscriber data;

resources available to each subscriber telephony component in association with call processing or routing;

means for allocating resources to each telephone call handled by a subscriber telephony component in response to data communication with said component through a secure interface.

There is no evidence submitted with the present Brief on Appeal.

There are no other appeals or interferences related to the present application.